

# A SUMMARY GUIDE TO COVERAGE OF THE ADVENTURE ACTIVITIES REGULATIONS

## What is an adventure activity?

August 2014

An adventure activity is:

- an activity that is paid for  
*and*
- land-based or water-based (planes, helicopters, and hot air balloons are not included but, for example, the skiing aspect of heli-skiing is included because it is a land-based activity)  
*and*
- an activity that involves the participant being guided, taught how, or assisted to participate in the activity  
*and*
- recreational or educational  
*and*
- designed to deliberately expose the participant to a risk of serious harm that must be managed by the provider of the activity  
*and*
- an activity that, if the provider fails to manage the activity properly, is likely to result in serious harm to the participant  
*or*
- an activity in which the participant is deliberately exposed to dangerous terrain or dangerous waters.

The regulations define the characteristics that make something an adventure activity, rather than listing activities themselves. Any activity could come under the regulations if it meets the tests outlined above - and it is not excluded because it is covered by existing regulations like Civil Aviation or Maritime NZ rules.

In practice, there are some activities that are almost always going to be covered by the regulations, some that almost never will be covered, and some where it depends on what the operator is actually offering to participants. The table on page 2 summarises the most common of these.

### RED Column activities

For activities listed in the RED column, interested parties - such as Regional Tourism Organisations, local councils, land managers, booking agents, potential participants, general public and so on - should always check whether the operator is registered with WorkSafe NZ. If the operator is not registered, interested parties should ask to see a written opinion from WorkSafe NZ that the operator is not subject to the regulations. If no such documentation is available, they should not work with or engage such operators until they are registered or the documentation can be provided.

### GREEN Column activities

In the case of operators offering activities listed in the GREEN column, interested parties should not need to sight a written opinion from WorkSafe NZ that states the operator is not subject to the regulations (unless the operator is offering a particularly extreme form of an activity and it is not covered by Civil Aviation Authority or Maritime NZ rules). Interested parties should, however, check if any other necessary regulatory requirements are met.

### GREY Column activities

For activities in the GREY column, interested parties should check whether the operator is registered with WorkSafe NZ. If they are not registered, interested parties should ask to see a written opinion from WorkSafe NZ that the operator is not subject to the regulations. If no documentation is available, interested parties can reach their own view about whether the activity appears to be covered by the regulations (the attached decision tree and other guidance on the WorkSafe NZ website can help). If in doubt, they should ask the operator to get an opinion from WorkSafe NZ. This is done by the operator writing to the Registrar at [aao@worksafe.govt.nz](mailto:aao@worksafe.govt.nz).

Activities nearly certain to be subject to the regulations	Activities that might be subject to the regulations under certain circumstances (see below)*	Activities nearly certain to NOT be subject to the regulations
<ul style="list-style-type: none"> <li>• Abseiling or rappelling (if done outdoors)</li> <li>• Bridge swinging</li> <li>• Bungy jumping (although <b>most</b> are covered by Amusement Devices Regulations)</li> <li>• Canyon swinging</li> <li>• Canyoning</li> <li>• Glacier walking</li> <li>• High ropes course crossing, high wire crossing, or use of a zip wire (unless the participant is less than 3 metres above the ground)</li> <li>• River boarding</li> <li>• Rock climbing (if done outdoors)</li> <li>• SCUBA (unless it is in a swimming pool)</li> </ul>	<ul style="list-style-type: none"> <li>• Canoeing and kayaking</li> <li>• Caving</li> <li>• Heli-skiing</li> <li>• Mountain biking</li> <li>• Mountaineering</li> <li>• Off-road vehicle driving, quad biking or trail biking</li> <li>• Snorkelling / free diving</li> <li>• Snow activities (if done outdoors and outside a patrolled ski area) – includes skiing, snowboarding or sliding on snow</li> <li>• Surfing/stand up paddle boarding</li> </ul>	<ul style="list-style-type: none"> <li>• Adventure aviation such as ballooning, microlights, stunt flights, skydiving, paraponting/paragliding and hang gliding (covered by CAA)</li> <li>• Boating (covered by Maritime NZ)</li> <li>• Cycling (e.g. on cycle ways, roads, around vineyards, etc)</li> <li>• Fishing</li> <li>• Guided walking / tramping</li> <li>• Horse trekking</li> <li>• Hunting</li> <li>• Jet boating (covered by Maritime NZ)</li> <li>• Swimming with seals/dolphins</li> <li>• White water rafting (covered by Maritime NZ)</li> </ul>

\*These activities MIGHT be adventure activities, and therefore would be covered by the regulations under certain circumstances i.e.:

Activity	Situation
Canoeing and kayaking	The regulations will generally apply to these activities when they are carried out in dangerous waters.
Caving	The regulations will generally apply when the exploration of the caves requires the use of climbing equipment or breathing apparatus for diving; the application of special skills or techniques; or, where participants are exposed to risk of serious harm from flooding.
Snorkelling / free diving	The regulations will generally apply where the participants are diving to depths greater than 3 metres.
Mountaineering	The regulations will generally apply to mountaineering that involves traversing 'dangerous terrain'; requires the use of climbing equipment or the application of special skills or techniques; or, when participants are exposed to avalanche danger.
Off-road vehicle driving, quad biking or trail biking	The regulations will generally apply in uneven terrain where the vehicle/bike is being controlled by the participant and could tip over and trap them; or, exceeds speeds of 15kmh. Farmers or anyone else teaching their employees how to ride quad bikes are not covered by the regulations.
Snow activities (if done outdoors and outside a patrolled ski area)	The regulations will generally apply to any skiing, snowboarding or sliding on snow by some other means, and other snow activities, when the activity is carried out in terrain exposed to avalanche danger.
Surfing/stand up paddle boarding	The regulations will generally apply when the participant is exposed to dangerous waters.

The graphic on the following page can be used to inform discussion about whether an operator's activities may be subject to the regulations.

For more detailed information, visit:

<http://www.business.govt.nz/worksafe/information-guidance/all-guidance-items/adventure-activities-regulations-guidance-for-operators/guidance-for-operators.pdf>

<http://www.business.govt.nz/worksafe/about/what-we-do/adventure-activities/for-operators/aao-decision-tree>

You can also visit the Support Adventure website at:  
[www.supportadventure.co.nz](http://www.supportadventure.co.nz)



#### **Disclaimer**

The information in this publication has no statutory or regulatory effect and is of a guidance nature only. The information should not be relied upon as a substitute for the wording of the Health and Safety in Employment (Adventure Activities) Regulations 2011.

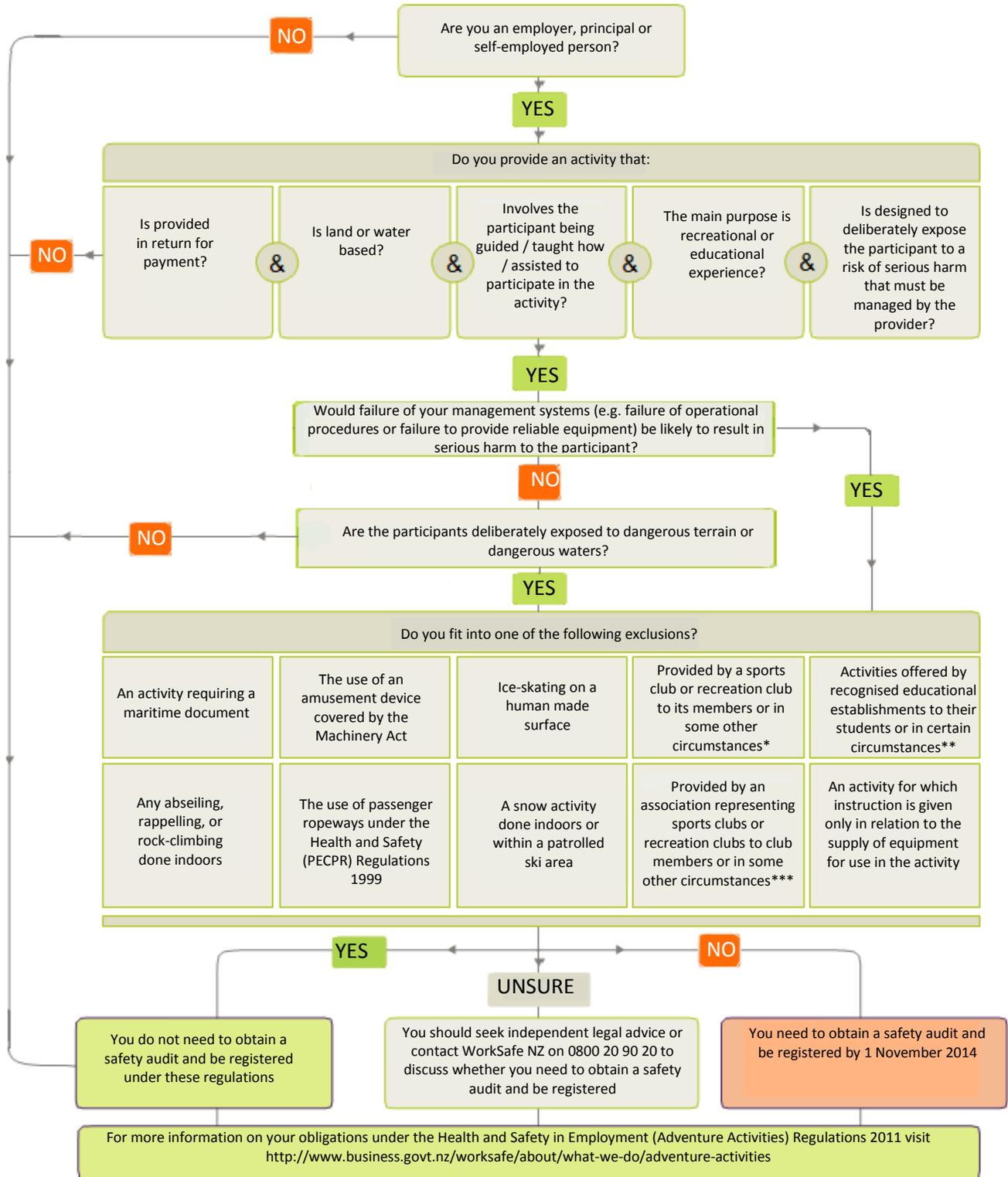
While every effort has been made to ensure this information is accurate, Tourism NZ does not accept any responsibility or liability for error of fact, omission, interpretation or opinion that may be present, nor for the consequences of any decisions based on this information.

***This information has been produced by Tourism New Zealand in cooperation with***



# Is your adventure activity covered by these Regulations?

## Health & Safety in Employment (Adventure Activities) Regulations 2011



\* - Health and Safety in Employment (Adventure Activities) Regulations 2011, (for example) regulation (4) (b) and (c)  
 \*\* - Health and Safety in Employment (Adventure Activities) Regulations 2011, (for example) regulation (6) (b) and (c)  
 \*\*\* - Health and Safety in Employment (Adventure Activities) Regulations 2011, (for example) regulation (5) (b) and (c)

For more information on your obligations under the Health and Safety in Employment (Adventure Activities) Regulations 2011 visit <http://www.business.govt.nz/worksafe/about/what-we-do/adventure-activities>